

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 10, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 67 members present.

Absent and excused – Anderson, Eskridge, Shepherd.

Total – 3.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

Approval of Journal

January 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the First Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

January 9, 2012

The Honorable Lawrence Denney
Speaker of the House

As required by Section 57-1601, *Idaho Code*, I am transmitting the following report of the Governor's Emergency Fund for fiscal years 2011 and 2012.

Balance as of July 1, 2010 **\$83,744.48**

No activity in fiscal year 2011

Balance as of June 30, 2011 **\$83,744.48**

No activity year-to-date in fiscal year 2012

Balance as of December 31, 2011 **\$83,744.48**

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Chief Clerk.

January 9, 2012

Mr. Speaker:

I return herewith [HCR 29](#) which has passed the Senate.

NOVAK, Secretary

[HCR 29](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

January 10, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HR 3](#).

WILLS, Chairman

[HR 3](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that the following persons be approved as attaches to serve the House of Representatives for and during the Second Regular Session of the Sixty-first Idaho Legislature. Seconded by Mr. Rusche.

Chief Clerk of the House	Bonnie Alexander
Secretary	Martha De Simon
Chaplain	Tom Dougherty
Minority Leadership Secretary	Cathy Downs
Chief Fiscal Officer	Terri Franks-Smith
Assistant to the Speaker	Sue Frieders
Assistant Chief Clerk	Vickie Herr
Minority Chief of Staff	Morgan Hill
Sergeant at Arms	Claudia Howell
Minority Leadership Secretary	Jennifer Martinez
Assistant Sergeant at Arms	Robert Stewart
Journal Clerk	Chris Taylor
Assistant to Majority Leadership	Brenda Walters

Committee Secretaries:

Commerce & Human Resources	Kimra Burger
Local Government	Kimra Burger
Transportation & Defense	Jane Clark
Education	Jeanne Clayton
State Affairs	Lissa Cochrane
Revenue & Taxation	Janet Failing
Business	MaryLou Molitor
Health & Welfare	Irene Moore
Judiciary, Rules, & Administration	Stephanie Nemore
Environment, Energy, & Technology	Jean Vance
Agricultural Affairs	Susan Werlinger
Resources & Conservation	Susan Werlinger
Appropriations	Kathryn Yost

Pages:

Alexander Baca
Cristian Magallon
Abigail Morris
Gabe Osterhout
Abigail Prigge
Ian Richter

Jakob Goold
Susie McHan
Drew Nelson
Benjamin Ovard
Ian Richter
Jordan Wright

Whereupon the Speaker declared the motion carried by voice vote and administered the oath of office to the above named attaches.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 354
BY RINGO**

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-602L, IDAHO CODE, TO DELETE REFERENCE TO CUSTOM COMPUTER PROGRAMS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3602A, IDAHO CODE, TO DEFINE "COMPUTER SOFTWARE" AND "DIGITAL GOODS"; AMENDING SECTION 63-3608, IDAHO CODE, TO REVISE THE DEFINITION OF "PURCHASE"; AMENDING SECTION 63-3609, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAIL SALE" OR "SALE AT RETAIL"; AMENDING SECTION 63-3610, IDAHO CODE, TO REVISE THE DEFINITION OF "RETAILER"; AMENDING SECTION 63-3612, IDAHO CODE, TO REVISE THE DEFINITION OF "SALE"; AMENDING SECTION 63-3613, IDAHO CODE, TO REVISE THE DEFINITION OF "SALES PRICE"; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3614A, IDAHO CODE, TO DEFINE THE TERM "SERVICES"; AMENDING SECTION 63-3615, IDAHO CODE, TO PROVIDE THAT THE TERM "USE" INCLUDES THE CONSUMPTION OF A SERVICE IN IDAHO; AMENDING SECTION 63-3616, IDAHO CODE, TO REVISE THE DEFINITION OF "TANGIBLE PERSONAL PROPERTY"; AMENDING SECTION 63-3619, IDAHO CODE, TO DECREASE THE RATE OF THE SALES TAX, TO PROVIDE THAT THE IMPOSITION AND RATE OF THE SALES TAX INCLUDES SALES OF SERVICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-3621, IDAHO CODE, TO DECREASE THE RATE OF THE USE TAX AND TO PROVIDE THAT THE IMPOSITION AND RATE OF THE USE TAX INCLUDES SALES OF SERVICES; AMENDING SECTION 63-3622, IDAHO CODE, TO PROVIDE EXEMPTION AND RESALE CERTIFICATES FOR SERVICES; AMENDING SECTION 63-3622D, IDAHO CODE, TO INCLUDE SERVICES IN THE PRODUCTION EXEMPTION; REPEALING SECTION 63-3622LL, IDAHO CODE, RELATING TO THE EXEMPTION FOR MEDIA MEASUREMENT SERVICES; AMENDING SECTION 63-3623, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 63-3640, IDAHO CODE, RELATING TO CONTRACTS ENTERED INTO BEFORE THE EFFECTIVE DATE OF INCREASED TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO DEFINE THE TERM "SOURCING" AND TO PROVIDE FOR THE PLACE WHERE A SALE OCCURS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3643, IDAHO

CODE, TO PROVIDE GENERAL SOURCING DEFINITIONS; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3644, IDAHO CODE, TO PROVIDE FOR MULTIPLE POINTS OF USE; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3645, IDAHO CODE, TO PROVIDE THE EFFECT ON CONTRACTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THIS ACT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

H 354 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, January 11, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 10:52 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk